

Whereas the National Center for Missing and Exploited Children (NCMEC), the only institution of its kind, was established in the United States for the purpose of assisting parents in recovering their missing children;

Whereas Article 21 of the Hague Convention provides that the central authorities of all parties to the Convention are obligated to cooperate with each other in order to promote the peaceful enjoyment of parental access rights and the fulfillment of any conditions to which the exercise of such rights may be subject, and to remove, as far as possible, all obstacles to the exercise of such rights;

Whereas some contracting states fail to order or enforce normal visitation rights for parents of abducted or wrongfully retained children who have not been returned under the terms of the Hague Convention; and

Whereas the routine invocation of the Article 13 exception, denial of parental visitation of children, and the failure by several contracting parties, most notably Austria, Germany, Honduras, Mexico, and Sweden, to fully implement the Convention deprives the Hague Convention of the spirit of mutual confidence upon which its success depends: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress urges—*

(1) all contracting parties to the Hague Convention, particularly European civil law countries that consistently violate the Hague Convention such as Austria, Germany and Sweden, to comply fully with both the letter and spirit of their international legal obligations under the Convention;

(2) all contracting parties to the Hague Convention to ensure their compliance with the Hague Convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities;

(3) all contracting parties to the Hague Convention to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and ensure parental access rights by removing obstacles to the exercise of such rights;

(4) the Secretary of State to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance and related matters; and

(5) each contracting party to the Hague Convention to further educate its central authority and local law enforcement authorities regarding the Hague Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

Mr. DEWINE. Mr. President, I rise today to submit a resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction. Joining me in introducing this resolution are Senators HELMS, WARNER, THURMOND, ROBB, ROCKEFELLER, THOMAS, DODD, LANDRIEU, and HATCH. Congressmen NICK LAMPSON of Texas and STEVE CHABOT of Ohio have introduced a similar measure in the House.

The Hague Convention on the Civil Aspects of International Child Abduction sets forth the legal mechanism for returning internationally abducted

children to their countries of habitual residence, where custody can then be decided. Fifty-four countries, including the United States are signatories to the Convention.

According to the State Department, each year the United States sends an estimated 90% of kidnapped children back to foreign countries. But, the rate at which other nations belonging to the Convention return American children is much lower. A State Department report singles out several countries for their noncompliance with the accord, including Austria, Honduras, Mauritius, Mexico and Sweden. Notably absent from the report, however, was Germany, which also has established a disturbing pattern of noncompliance. According to "Insight Magazine," State Department records show that of the 243 Hague cases filed in Germany, there were only 40 court-ordered returns.

Last fall, the General Accounting Office (GAO) testified before the House International Relations Committee on their preliminary review of the federal government's response to international parental child abduction. They cited noncompliance with the Hague Convention on the part of other countries as one of the problems with our federal government's response to international parental kidnappings. According to GAO's testimony: "The State Department acknowledges that more systematic and aggressive diplomatic efforts are needed to address problems with the Hague Convention." The GAO also noted that while increased diplomatic efforts are needed, recommendations developed by the State Department and Department of Justice to rectify the noncompliance problem "seek to review, study, and explore Hague implementation issues, but fail to identify how these activities will actually help solve Hague implementation problems."

What we have to remember in any case where a parent abducts a child is that each of these cases involves the destruction of a family. A good illustration of this is what happened to Tom Sylvester of Cincinnati, the father of a little girl named Carina, whom he has seldom seen since his ex-wife abducted her from Michigan in 1995, and took her to Austria. The day after the kidnapping, Mr. Sylvester filed a complaint with the State Department and started legal proceedings under the terms of the Hague Convention. An Austrian court heard his complaint, and the court ordered the return of Carina to Mr. Sylvester. However, this court order was never enforced and Carina's mother took the child into hiding. Eventually, though, when Carina's mother surfaced with the child, the Austrian courts reversed their decision on returning Carina to her father, finding that Carina had "settled into her new environment"—a

decision clearly contrary to the terms of the Hague Convention.

While the State Department recently has indicated some willingness to work more aggressively through diplomatic channels in individual cases, like that of Tom Sylvester, we must do more to improve compliance with the Hague Convention overall. The resolution we are introducing today encourages all of the contracting parties, particularly those countries that consistently violate the Convention—namely Austria, Germany and Sweden—to comply fully with both the letter and the spirit of their obligations under the Convention. In order to improve compliance rates, the resolution urges all Hague signatories to educate their judges and law enforcement personnel about the Convention. And, finally, this resolution urges countries to return children under the Convention, without reaching the underlying custody dispute, and to remove barriers to parental visitations.

Mr. President, as a parent and grandparent, I cannot begin to imagine the nightmare that so many American parents face when their children are kidnapped by a current or former spouse and taken abroad. But, tragically, this is a very real and daily nightmare for hundreds of parents right here in this country. That's why the resolution I have introduced is critical to encouraging the safe return of children to the United States. It gives us an opportunity to help make a positive difference in the lives of children and their families. I urge my colleagues to support it with their cosponsorship.

#### SENATE RESOLUTION 277—COMMEMORATING THE 30TH ANNIVERSARY OF THE POLICY OF INDIAN SELF-DETERMINATION

Mr. CAMPBELL (for himself, Mr. MCCAIN, Mr. JOHNSON, and Mr. INOUE) submitted the following resolution; which was referred to the Committee on Indian Affairs:

##### S. RES. 277

Whereas, the United States of America and the sovereign Indian Tribes contained within its boundaries have had a long and mutually beneficial relationship since the beginning of the Republic;

Whereas the United States has recognized this special legal and political relationship and its trust responsibility to the Indian Tribes as reflected in the Federal Constitution, treaties, numerous court decisions, federal statutes, executive orders, and course of dealing;

Whereas Federal policy toward the Indian Tribes has vacillated through history and often failed to uphold the government-to-government relationship that has endured for more than 200 years;

Whereas these Federal policies included the wholesale removal of Indian tribes and their members from their aboriginal homelands, attempts to assimilate Indian people into the general culture, as well as the termination of the legal and political relationship between the United States and the Indian Tribes;

Whereas President Richard M. Nixon, in his "Special Message to Congress on Indian Affairs" on July 8, 1970, recognized that the Indian Tribes constitute a distinct and valuable segment of the American federalist system, whose members have made significant contributions to the United States and to American culture;

Whereas President Nixon determined that Indian Tribes, as local governments, are best able to discern the needs of their people and are best situated to determine the direction of their political and economic futures;

Whereas in his "Special Message" President Nixon recognized that the policies of legal and political termination on the one hand, and paternalism and excessive dependence on the other, devastated the political, economic, and social aspects of life in Indian America, and had to be radically altered;

Whereas in his "Special Message" President Nixon set forth the foundation for a new, more enlightened Federal Indian policy grounded in economic self reliance and political self determination;

Whereas this Indian self determination policy has endured as the most successful policy of the United States in dealing with the Indian Tribes because it rejects the failed policies of termination and paternalism and declared that "the integrity and right to continued existence of all Indian Tribal and Alaska native governments, recognizing that cultural pluralism is a source of national strength."

Now Therefore be it *Resolved*, That the Senate of the United States recognizes the unique role of the Indian Tribes and their members in the United States, and commemorates the vision and leadership of President Nixon, and every succeeding President, in fostering the policy of Indian Self-Determination.

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senator McCain and Senator TIM JOHNSON in submitting today a resolution to commemorate the anniversary of a little-noticed but critical event that took place 30 years ago this summer.

In July 1970, President Richard M. Nixon delivered his now-famous "Special Message to the Congress on Indian Affairs" that revolutionized how our nation deals with Native governments and Native people from Florida to Alaska, from Maine to Hawaii.

With centuries of ill-conceived and misdirected federal policies and practices behind us, I am happy to say that the Nixon Indian policy continues as the bedrock of America's promise to Native Americans.

In his Message to Congress, the President made the case for a more enlightened federal Indian policy. Citing historical injustices as well as the practical failure of all previous federal policies regarding Indian Nations, President Nixon called for the rejection of both the "termination" policy of the 1950s and the "excessive dependence" on the federal government by Indian tribes and people fostered by federal paternalism.

Nixon observed that "[t]he first Americans—the Indians—are the most deprived and most isolated group in our nation. On virtually every scale of measurement—employment, income,

education, health—the condition of the Indian people rank at the bottom."

Thirty years later, Indians continue to suffer high rates of unemployment, are mired in poverty, and still rank at or near the bottom of nearly every social and economic indicator in the nation.

Nonetheless, there is cause for hope that the conditions of Native Americans are improving, however slowly.

The twin pillars of the policy change initiated in 1970 are political self determination and economic self reliance. Without doubt, the most enduring legacy of the 1970 Message is the Indian self determination policy best embodied in the Indian Self Determination and Education Assistance Act of 1975, amended several times since then.

This Act, which has consistently been supported, promoted, and expanded with bipartisan support, authorizes Indian tribes to assume responsibility for and administer programs and services formerly provided by the federal government.

As of 1999, nearly 48% of all Bureau of Indian Affairs (BIA) and 50% of all Indian Health Service (IHS) programs and services have been assumed by tribes under the Indian Self Determination Act.

With this transfer of resources and decision making authority, tribal governments have succeeded in improving the quality of services to their citizens, have developed more sophisticated tribal governing structures and practices, have improved their ability to govern, and have strengthened their economies.

Self determination contracting and compacting have improved the efficiency of federal programs and services and at the same time have devolved control over these resources from Washington, D.C. to the local, tribal governments which are much more in tune with the needs of their own people.

As steps are taken to provide tribes the tools they need to develop vigorous economies and generate tribal revenues, our policy in Congress and across the federal government should be to encourage and assist tribes to expand self determination and self governance into other agencies and programs, and in the process help Native people to achieve real and measurable success in improving their standard of living.

The challenge of the Nixon Message was not only to the federal government but to the tribes themselves: that by building strong tribal governments and more robust economies, real independence and true self determination can be achieved.

Our experience has shown that any cooperative efforts between the United States and the tribes must include a solemn assurance that the special relationship will endure and will not be terminated by the fits and starts of

periodic economic success enjoyed by some Indian tribes.

President Nixon wisely realized that the mere threat of termination results in a tendency toward an unhealthy dependence on the federal government which has plagued Native people for decades. As President Nixon himself knew, Native people are not hapless bystanders in this process. His Message recognized that the story of the Indian in America is one of "endurance, survival, of adaptation and creativity in the face of overwhelming obstacles."

This persistence and tenacity by Native people have been the foundation in forging a more enlightened Indian policy and with the assistance of the United States will, I am confident, result in true self determination for Native people in the United States.

I urge my colleagues to join me in recognizing the Nixon Message and the combined efforts of Natives and non-Natives alike in making Indian self determination a reality.

#### NOTICE OF HEARINGS

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, March 29, 2000, in Room SR-301, Russell Senate Office Building, to receive testimony on Presidential primaries and campaign finance.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4-6352.

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Thursday, March 30, 2000, in Room SR-301, Russell Senate Office Building, to conduct an oversight hearing on the operations of the Architect of the Capitol.

For further information concerning this meeting, please contact Mary Suit Jones at the Rules Committee on 4-6352.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 23, 2000, at 9:30 a.m., in open session to continue to receive testimony on the national security implications of export controls and to examine S. 1712, the Export Administration Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.